

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

In re: MIRENA IUD PRODUCTS)	
LIABILITY LITIGATION)	7:13 –MD-2434-CS-LMS
)	
This Document Relates to:)	Honorable Cathy Siebel
)	
DESHAWN, MCMILLIAN,)	
)	
Plaintiff,)	Civil Action No. 7:13-cv-09236-CS
)	
v.)	
)	
BAYER HEALTHCARE)	
PHARMACEUTICALS, INC.,)	
)	
Defendant.)	

**PLAINTIFF’S RESPONSE IN OPPOSITION TO DEFENDANT’S SECOND MOTION
TO DISMISS WITHOUT PREJUDICE FOR FAILURE TO SUBMIT A PLAINTIFF
FACT SHEET CONTAINING ALL CORE CRITERIA**

Plaintiff DeShawn McMillian hereby replies to Bayer Healthcare Pharmaceuticals, Inc.’s (“Bayer”) Second Motion to Dismiss Without Prejudice for Failure to Submit a Plaintiff Fact Sheet Containing All Core Criteria and states unto the Court the following:

On August 4, 2014, Bayer moved this Court to dismiss without prejudice the claims of DeShawn McMillian for failure to submit a Plaintiff Fact Sheet (“PFS”) containing all Core Criteria in compliance with Court Management Order 7A. (Doc. No. 1450). On August 6, 2014, Plaintiff DeShawn McMillian submitted new authorizations in compliance with Case Management Order 7A and Bayer’s Deficiency Letter containing all Core Criteria. This submission was done via e-mail to Defendant’s Counsel at mirenapfs@shb.com, and to Plaintiff’s Steering Committee at mirenamdlpfs@yourlawyer.com. As such action has been timely completed, Plaintiff

respectfully requests that this Court deny Bayer's Motion to Dismiss as it relates to Plaintiff DeShawn McMillian.

Dated: August 6, 2014

Respectfully submitted,

MICHAEL HINGLE & ASSOCIATES, LLC

/s/ Bryan A. Pfleeger

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